

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
APRIL 2, 2007**

**BOARD MEMBERS PRESENT:** Lane Adamson, Dorothy Davis, Kathy Looney, Dave Maddison, Ann Schwend, Pat Bradley, John Lounsbury, Eileen Pearce, Laurie Schmidt, Bill Olson and Ed Ruppel.

**BOARD MEMBERS ABSENT:** None.

**OTHERS PRESENT:** E. Louie Loucks, Chris and Terri Leech, Jim Harris, Jessi Fanelli, Kevin Germain, Dave Schulz, Christopher W. Mumme, Jim Hart, Karen Brown and Lewis Stahl.

**President's Comments:** None.

**Public Comment and County Commissioner Comments:**

County Commissioner Jim Hart appeared before the board to discuss the Bear Creek Subdivision approval by the County Commissioners. Some of the points covered were:

- ✓ Jim Hart voted for it with Dave Schulz's backing and Lewis Stahl's abstention.
- ✓ Hart made his decision after conferring with the Madison County Attorney, MACO attorney and Myra Shults.
- ✓ He said that he needs to attend the Planning Board meetings more often.
- ✓ The developers adequately mitigated the issues presented by the Planning Board.
- ✓ Was I well enough informed to make a decision on the project? I think so. Should have talked with Doris and members of the Planning Board more.
- ✓ Planning Board should be as specific as they can with their recommendations.
- ✓ Even the three professionals who weighed in on the project about wildlife were indecisive.
- ✓ Want to reiterate how much I appreciate the Planning Board and Staff.

County Commissioner Dave Schulz Commented:

- ✓ Jim Hart was new to the job and worked incredibly hard to make his decision.
- ✓ I was frustrated with the whole thing; the neighborhood zoning issue, remainder issue, etc. I will not sign the final plat until the remainder survey issue is resolved.
- ✓ If the people in the Madison Valley or Madison County know what they want, it would be the direction we should take.
- ✓ I'm not excited about the fact that you folks come up with a recommendation and we go against it.
- ✓ Madison Growth Solutions is the way to go in land use planning, where it starts with the people and not with those of us here in the Courthouse.
- ✓ Marc Petroni had an opinion as a game biologist, but I think there's three times the amount of wildlife out there than there should be.

**Comments and Questions from the Board:**

- ✓ Took issue with the County Commissioners' Findings of Fact regarding the wildlife issue. I made my decision about the issue from the specific information provided by experts on the wildlife aspect.
- ✓ We (the Planning Board) have to take the opinion of experts.
- ✓ Your empirical opinion has more weight than the opinions of scientists?
- ✓ There's always room for more studies. It is important that this is a team effort. Is this the standard procedure, that the County Commissioners take turns on working on these (subdivision) projects?

- ✓ The developers left a wide enough corridor (for wildlife) along the creek. We didn't give the County Commissioners anything to stand on. The historic/cultural issue was grasping for something to deny it. The neighborhood had their backs up, and the staff report reflected the NIMBY attitude. The County Commissioners made the right decision.
- ✓ We recognize that you have the statutory authority and thank you for coming here tonight.
- ✓ Doris- Am concerned about how we, in the future, all utilize the wildlife assessment of the Madison Valley. The wildlife Conservation Society staff has said the information is applicable to specific locations.
- ✓ With development in the valley, more wildlife is being pushed onto ranch land. We need to respond to this as a community.
- ✓ So many ranches in the Madison Valley do not allow hunting.
- ✓ Most important issue as to wildlife is ethics. We're headed in a bad direction.

## **OLD BUSINESS**

### **Madison Growth Solutions Process**

Lane Adamson reported that, after a community work session was held to consider concerns about the Action Plan, the group has continued to meet every Wednesday morning and anyone is welcome. They have finished the Revised Action Plan and are preparing to mail the Plan to all boxholders in the area. They also are putting together a power point demonstration which will be shown at the Planning Board meeting on April 30. The Revised Action Plan will then go to the County Commissioners for consideration to be adopted into the Growth Policy.

### **Discussion of Big Sky Planning Issues- Public Safety Services, Transportation, and On-Site Planning Office Staff**

Bill Olson reported:

- ✓ Meeting with Jason Revisky of the Gallatin Canyon Consolidated Rural Fire District (GCCRFD) and Bozeman Deaconess Hospital to discuss safety and emergency issues in the Big Sky area.
- ✓ The GCCRFD and the Yellowstone Club Fire are beginning to have productive dialog. Yellowstone Club has contracted with AMR for ambulance service and has a verbal agreement with GCCRFD to handle calls close to the area.
- ✓ Moonlight Basin is doing a lot to help with issues regarding fire protection on the Mountain.
- ✓ Bozeman Deaconess Hospital is investigating the idea of putting in an emergency services clinic in the town center (Meadow Village).
- ✓ There is more vocal discontent concerning the lack of services provided to the Big Sky Area from Madison County. According to Bill, the assessed value of Big Sky is over \$500,000,000.00 and the residents think they should be getting more services. The Search and Rescue unit of Big Sky asked Sheriff Schenk for monetary assistance and was turned down. They have conducted searches for Madison County residents.
- ✓ The County Commissioners have responded positively to the need for Sheriff's deputies in the Big Sky area.
- ✓ Chris Mumme, Madison County Emergency Management Director, added that the County is working on a mutual aid agreement and there is discussion of the need for improvement of the county part of the Jack Creek Road as an emergency access road out of Big Sky.
- ✓ Bill commented that the bus from Four Corners to Big Sky is getting a lot of use.

- ✓ The establishment of a transportation system is important, and Bill commented that Madison County's financial assistance is needed.
- ✓ Dave Schulz reported that they (County Commissioners) are considering the situation. He wants to talk with the Gallatin County Commissioners and also ride the Skyline bus.
- ✓ Transportation and safety issues in Big Sky need more attention from Madison County. Big Sky is Madison County's "Goose that is laying the Golden Egg". County must help keep the economic engine going.
- ✓ Dave Schulz- We need to stay pro-active in the needs of Big Sky. We are currently trying to create better communications. We are not close-minded about this, but need to learn more.
- ✓ Madison County should have an office in Big Sky which could be used by Sheriff's Department, County Commissioners, Sanitarian, Planning and Public Health as they need it.
- ✓ There needs to be a permanent structure for fire and law enforcement in Big Sky.
- ✓ Doris reported that she and Bill Olson are exploring the idea of the major developers at Big Sky getting together on a regular basis to discuss local issues.
- ✓ Doris distributed a draft memo to the County Commissioners, covering the Planning Board's recommendation made in February, regarding part-time Planning Staff and Office at Big Sky. The topic was not on the February agenda, so Doris was bringing it back for another look.

**MOTION: To recommend to the County Commissioners that the budget allow for office space and a parttime person for the Planning Office in Big Sky for fiscal year 07-08. Moved by: Lane Adamson, seconded by: Dave Maddison. All voted aye.**

**PUBLIC HEARING AND REVIEW of Driveway Variance Request, Lot 340 of Phase 3, Yellowstone Mountain Club Subdivision near Big Sky (YC British Investments, LLC, owner)**

Doris explained that after the completion of the homesite development plans, the buyers realized that the design of the driveway would result in road slopes of 10-14%. They explored other avenues to try to resolve the problem, but determined that asking for a variance to the County's Subdivision Regulations which say that "a private driveway will serve no more than two dwellings...." was the best approach. The variance request asks for them to be able to utilize an existing driveway that presently serves two neighboring single-family residential lots, Lots 338 and 339. All grades would be less than 10%.

Bill Olson commented that the people involved in this matter have gone to extraordinary lengths to try to find an alternative. This sentiment was reiterated by E. Louie Loucks, representing the variance request.

**MOTION: To recommend approval of the variance request for Lot 340 of Phase 3, Yellowstone Mountain Club Subdivision, as outlined in the staff report and including one condition: that to approve this there should be an address monument, at the entrance to the driveway, that would house all three house address numbers. There should also be address numbers on signs at the driveway to each house. Moved by: Dave Maddison, seconded by: Pat Bradley. All voted aye.**

**PRELIMINARY PLAT REVIEW OF THE LEECH WEST MINOR SUBDIVISION, Cameron (Chris and Terri Leech, owners)**

Staci introduced the project which is located approximately 12 miles south of Cameron and is identified as Tract 15A of a recorded COS in the Rising Sun River Estates development which was exempt from subdivision review. The proposal is to split the 13.67 – acre piece into two single family residential lots, with Lot 1 being approximately 5.7 acres in size and Lot 2 containing 7.8 acres.

Chris Leech and Staci mentioned the blowing trash generated from the Madison County dumpster site nearby and the need for a resolution of the problem.

**Discussion points and questions:**

- ✓ Will there be a restriction of further lot split in the covenants? Yes.
- ✓ Will there be a grazing plan? Why allow 3 horses per lot? *We mentioned three horses because the parcel has a three horse barn.*
- ✓ Chris agreed that a grazing plan containing how much the land can be grazed and that horses should be given supplemental feed while on the land could be one of the conditions of approval.

**MOTION: To recommend approval of the Leech West Minor Subdivision, as outlined in the staff report. Moved by:** Dave Maddison, **seconded by:** Ed Ruppel. **All voted aye.**

**PLANNING BOARD RECOMMENDATION- Subdivision**

Based on the subdivision application, staff report, April 2<sup>nd</sup> public meeting and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to the Leech West Minor Subdivision, subject to the conditions listed below.

**[Standard conditions]**

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. Road and utility easements shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

**[Additional site-specific conditions]**

6. The plat shall include the following statement: “Prior to any construction requiring sanitation, the lot owner must first obtain a Madison County septic permit.”

7. Prior to final plat approval, Lot 2 must be assigned a *temporary* physical address in accordance with Madison County's rural addressing and Emergency 911 system. The individual address sign shall be installed once the permanent address is assigned.
8. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by Madison County to upgrade and/or maintain North Palisades Drive.
9. Prior to final plat approval, a grazing plan for the subdivision property shall be developed and submitted to the County Planning Office.
10. The final plat shall show the 500-ft. Madison River setback as a no build area.
11. Prior to final plat approval, the subdivision road shall be constructed by the developer in compliance with the design standards outlined in the November 2000 Madison County Subdivision Regulations as amended. The road must meet subdivision standards up to the point of the driveway on Lot 2 and should include a hammerhead turnaround for use by large emergency service vehicles. A road sign must be installed, and reseeding of disturbed areas must occur. All road maintenance, including but not limited to grading and snowplowing and removal, shall be the responsibility of the landowners, not Madison County. In the event that the road and other such required improvements are not completed prior to final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M.) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the Letter of Credit shall be 125% of engineer's estimated cost for the improvements. Any Letter of Credit must cover the time period needed to complete project improvements.
12. Prior to final plat, an easement document through Lot 2 to Lot 1 must be submitted and recorded with the final plat.
13. The final plat shall include a statement verifying public access to this Leech West Minor Subdivision. (See section titled Legal and Physical Access for discussion).

#### **PLANNING BOARD RECOMMENDATION- Solid Waste Disposal Site**

The landowner has indicated that trash from the nearby Madison County waste disposal site frequently blows onto surrounding properties. Upon the site visit, planning staff observed the problems with trash escaping the storage facility and ending up scattered on surrounding properties. The landowner states that he frequently picks up the trash. The Planning Board recommends that this problem be looked at seriously by Madison County to see if there is an alternative site or better trash storage design to help alleviate this problem. One possible solution may be to communicate with the BLM to see if the site could be relocated near the existing BLM campground, where the site would be protected from the wind. While the Planning Board recommends looking at alternatives to help resolve this problem, closing this disposal site is not recommended. The landowner has verbally indicated that he would be willing to help with a portion of the costs needed to improve the dumpsite. (Pictures are available at the Planning Office).

**MOTION: To recommend that the County Commissioners look into a way to alleviate the trash blowing from the dumpster site on North Palisades Drive. Moved by: Kathy Looney, seconded by: Dorothy Davis. All voted aye.**

**PRELIMINARY PLAT REVIEW OF THE HARRIS REQUEST TO LIFT AGRICULTURAL EXEMPTION. MCALLISTER (JAMES AND MARY PAT HARRIS, owners)**

Staci introduced the project as being located approximately 1.1 mile east of McAllister. It is a 2.522 acre parcel which currently has an agricultural exemption on the property, intending it for agricultural use only.

**Discussion points and questions:**

- ✓ Owners are concerned about leveling of the road in order to meet county road standards. *This is a question for the road supervisor of the district, Jim Hart.*
- ✓ The owners should meet with Shawn Christensen of the Madison Valley Rural Fire District or the Madison County Fire Risk Mitigation Officer Joe Husar.
- ✓ Will any further lot splits be allowed? *No. Harris will add this stipulation to the covenants.*

**MOTION: To recommend the lifting of the agricultural exemption on this property as per Staci's recommendations. Moved by:** Bill Olson, **seconded by:** Ed Ruppel. **All voted aye.**

**Note: Staci offered that the county will create a form for the agricultural exemption lifting so that the owners will not have to record a plat.**

**PLANNING BOARD RECOMMENDATION.** Based on the subdivision application, staff report, April 2<sup>nd</sup> public meeting and subsequent review and discussion, the Planning Board recommends preliminary approval be granted to the Lifting of Agricultural Exemption request pertaining to this Certificate of Survey recorded in Book 7, Page 471 of Madison County records, subject to the following conditions.

1. Any and all adopted State and County requirements and standards which apply to this proposed lifting of agricultural easement must be met unless otherwise waived for cause by the governing body.
  2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final document.<sup>1</sup>
  3. The final document must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
  4. Road and utility easements shall be submitted with the Lifting of Agricultural Easement document. The road easement must reflect a 60 ft. right-of-way and accessibility to the public, up to the first homesite driveway.
  5. Future modification of any elements of this approval may not be made without County review and approval.
  6. Prior to final approval, the DEQ must approve the site for water, sewer, solid waste, and storm drainage.
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7. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the site.

### **PRE-APPLICATION OF THE BURNEY MINOR SUBDIVISION, SHERIDAN (Tami Burney, owner)**

Doris explained that the proposed subdivision lies approximately 6 miles south of Sheridan, off of Ramshorn Creek Rd. The property contains 22.17 acres and is proposed to be divided into 5 lots.

Doris handed Tami Burney a copy of the Planning Office in-house geotech report on soils and geology, in which there is a question regarding slope of the land. She also identified the need to work with Burney on a road design that would conform to County Subdivision Regulations.

#### **Discussion points and questions:**

- ✓ Could there be a cul de sac between Lots 4 and 5? Yes.
- ✓ This is a bad area for wells. There were two dry wells drilled within ½ mile of this property.
- ✓ Did you give much consideration to the lay of the land in designing the lots in the subdivision? *No. I have not been here lately.*
- ✓ You might consider designing fewer lots.
- ✓ Look at the site to determine where to put the homes. Larger lots will bring you more money.
- ✓ Contact the School of Mines and Geology for questions on the geology of the land.
- ✓ Is the upper part of the property being grazed? *The whole parcel was, but is not now.*
- ✓ Is there an easement for the folks who share your driveway? Yes.
- ✓ Your road would have to become a public road when the land becomes a subdivision.

### **OLD BUSINESS (continued)**

#### **Powell Planning Workshop**

Ann- It was a great conference which reinforced the Madison Growth Solutions process and connectivity between water issues and development. It laid the groundwork for the importance of scientific reports in land use planning. Attendees from the area besides Ann, Doris and Staci were Jim Hart, Les Gilman, Duke Gilman, Rebecca Ramsey and Stephanie Kruer. Stephanie gave a talk on "takings/ eminent domain". She would be willing to give this talk to the Planning Board.

Doris- Connections to water issues were constantly made at the conference. Doris handed out a publication called *Bridging the Governance Gap- Strategies to Integrate Water and Land Use Planning*.

#### **Planning Board Field Trip**

On Thursday, April 5, the Planning Board will be taking a field trip to the Cote Meadows Minor Subdivision south of Alder and to Bradley Creek Major Subdivision, south of Norris. Eileen, Ed, Pat, Dave, Kathy and John expressed interest in attending all or part of the day.

#### **Legislative Update**

The following legislation was discussed:

- ✓ HB 415 (going to the Senate floor)- Requirement for parkland dedication in minor subdivisions.
- ✓ HB 590 (tabled in Senate Local Government Committee)- Requiring Growth Policies to include criteria to protect private property rights.
- ✓ HB 831 (transmitted to the Senate) - An act revising water laws in closed basins.
- ✓ HB 844 (second reading on House floor, 4/2/07) - An act revising ground water appropriation.
- ✓ SB 110 (hearing before House Judiciary Committee, 3/30/07) - Revise land use laws.
- ✓ SB 527 (going to House floor) – Revise condominium exemption for subdivision review.
- ✓ SJ 26 (going to House floor) – Interim study of zoning and land use planning.

Doris was questioned about the proposed wind farms on the Norris Hill. She reported:

- ✓ There are 3 potential projects involving wind energy farms on the Norris Hill. They all seem to want waivers of the Tower Ordinance in order to install anemometers to assess the wind energy potential of the sites. The County Commissioners denied the first waiver. In the case of one project, one or two towers may be visible from the Norris Junction.
- ✓ She also reported having met with the DEQ lately regarding the possibility of two new electrical transmission lines to be erected in the County. Possible routes are through the Madison Valley or in the Jefferson-Beaverhead Valleys.

## **NEW BUSINESS**

### **Planning Board Member Reports**

- ✓ Bill – Would the Planning Board like a presentation from Bozeman Deaconess about their Big Sky plans? *Consensus of the board is that they want to be kept apprised of the project, but do not necessarily want a presentation.*
- ✓ Dorothy- What happened with the high school at Big Sky? *It passed the Legislature.*
- ✓ Pat- Shared articles from papers re: land prices, wind energy and wildlife.

### **Planning Office Report**

Doris announced that she would be resigning her position as Director of Planning effective June 30, 2007. Her announcement was met with great sadness and shock.

**The meeting adjourned at 9:39 p.m.**

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Ann Schwend, President

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Marilee Foreman Tucker, **Secretary**